



Lamoine Board of Selectmen

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Minutes of May 5, 2011

Chair Jo Cooper called the meeting to order at 7:02 PM

Present were: Selectmen William Brann, Gary McFarland, S. Josephine Cooper; Administrative Assistant Stu Marckoon, Town Clerk/Tax Collector Jennifer Kovacs, and Gaylord Sundt (briefly).

Agenda Review – Stu said he prepared an addendum. There were no changes to the printed order

Minutes of April 21, 2011 – Jo said she had one typo. Gary moved to accept with the correction. Bill 2nd. **Vote in favor was 3-0.**

Expenditure Warrant 21 – Selectmen signed the warrant in the amount of \$33,603.19. Stu provided a brief explanation of the snow plowing contract escalator.

Cash & Budget Report – Stu reported excise tax collections have started to pick up significantly in the past 2-weeks. He said they expect to start preparing notices for unpaid taxes tomorrow.

Public Hearing – Winter Maintenance Closure – Gully Brook Road – Jo opened the hearing at 7:07 PM. Stu explained where the road is located (between Berry Cove Road and Shore Road), and that it's extremely difficult to traverse in the winter and muddy in the spring. Jo noted the proposed closure is for 10-years. There were no other comments. Jo closed the hearing at 7:08 PM.

Jo moved to sign the order to close Gully Brook Road to Winter Maintenance from November 2011 to April 2021. Gary 2nd. **Vote in Favor was 3-0.** Selectmen present signed the order. Bill asked if there used to be an eagle feeding station on that road. Stu said he was not familiar with that.

Request of Robert Sharkey to reopen investigation into Town Hall burglary/theft – Jo said she read the report and looked into the statutes, and the statute of limitations expired after 6-years. The theft occurred in 1996. Stu reported he spoke briefly with the town attorney who also confirmed the 6-year statute of limitations and noted that at least one of the suspects was currently serving time. Jo moved to send a letter to Mr. Sharkey explaining that the statute of limitations had long since passed and that he was not authorized to reopen an investigation. Bill 2nd. **Vote in favor was 3-0.**

Bloomfield Park Privy – Stu reported the project is nearly complete.

Trash Pickup – Parks – Stu reported that Parks Commission chair Kerry Galeaz has received assurance from Rusty Boynton that he will continue to pick up the trash at the two parks despite his status at the Lamoine Transfer Station.

PERC Overcharge – Stu reported he sent the calculation of the excess waste to Pine Tree Waste, but has not heard back. He will follow up on that as well as with a new contract for transportation.

Guaranteed Annual Tonnage Swap – Stu reported the town should easily meet the 600-ton obligation sent to PERC this year and did not recommend any change in that amount.

Commercial Trash Policy – Stu suggested some sort of program to charge commercial trash haulers an amount calculated based on the average amount of trash per household from non-town residents. He said it would have to rely on an honor system. Bill said he was concerned that other commercial haulers could be at a disadvantage. Stu said any policy would apply to the one other commercial hauler working in town. Jo said she has a concern about monitoring things. Gary said Bill could continue to monitor how many loads come into the transfer station. Jo said Stu could draft up something.

Cable TV – Stu reported the rewiring project is complete; the bill was on the warrant signed earlier. He asked if the board wished to start advertising for an operations manager. Jo moved to post the ad, Bill 2nd. **Vote in favor was 3-0.**

Consent agreement – Goodwin – Stu reported that Selectman Cynthia Donaldson was concerned that the amount in the agreement was too low and had left a memo expressing her sentiment. He said the Board did not give any direction on how much to offer to settle for, and he told the town attorney to come up with an amount, which he did. Jo said it would be difficult to undo an offer from the town. She said in the future, the Board should come up with a method to determine an amount. Gary suggested that when the Board meets with the Code Enforcement Officer and Planning Board, that could be discussed.

Jo moved to sign the consent agreement, Gary 2nd. **Vote in favor was 3-0.** Bill noted that operations continued as normal, as did the permitting process, and the town made \$250.

Consent Agreement – Seibel – Jo noted that Mr. Seibel crossed out the paragraphs in the proposed consent agreement that had to do with him paying attorney fees. Gary said he did not like the altered agreement. Jo asked if Stu had spoken with the town attorney about this. Stu said he had not recently, but he would not recommend acceptance by the Selectmen. He said the board should give the town attorney some direction. Gary said the goal is to remove the nuisance in a timely fashion, and Mr. Seibel should pay a fine and the attorney fees. He said Mr. Seibel should be reminded that a consent agreement would avoid the monetary fine.

Jo moved to not accept the consent agreement as altered by the Seibels and to ask the town attorney to communicate with the Seibels that the town will be forced to look at a fine. Bill 2nd. **Vote in favor was 3-0.**

Hazard Communications Policy – Jo moved to approve the policy as presented. Gary 2nd. **Vote in favor was 3-0, Jo signed the policy.**

Shellfish – Best Management Practices – Stu said Selectman Richard Fennelly Jr. had asked that this be on the agenda, and this could be discussed with the Planning Board at the next meeting.

Request for Barking Dog Ordinance – Gaylord Sundt stopped by the meeting briefly and said he would be writing to the Board of Selectmen to request a barking dog ordinance due to a problem in his neighborhood.

Checking Account Reconciliation – Selectmen signed the statement expressing satisfaction with the review of the town's checking account for April.

Resignation of Parks Commissioner – Jo moved to accept with regret the resignation of Susan Belanger. Gary 2nd. **Vote in favor was 3-0.** Stu said he will advertise for a replacement.

Granite Offer – Stu reported George Crawford has offered to donate a pair of granite pillars to mark the entrance at the Veterans' Memorial, if the town will install them. Selectmen said that was wonderful and would gratefully accept the donation.

Paving – Stu reported that Pavement Management Services opened the paving bids at the town hall yesterday from three vendors. The low bid was Lane Construction at a spot market price of about \$72/ton and a fixed price of \$78/ton. There was a discussion about which price to pick – Selectmen and Stu felt it was better to play it safe because of the volatility of the price of asphalt.

Stu said the price is much lower than was budgeted, and the parking lot needs a lot of work. He said he would see how much that might cost.

Jo said the transfer station needs to have some serious pot holes fixed. Stu said he would contact Doug Gott & Sons to have that done. There was a brief discussion about a frost heave/dip on Mill Road that is pretty bad. Stu said the Road Commissioner is aware of it and should have it taken care of.

Shoreland Zoning Ordinance – Stu reported the Department of Environmental Protection has approved the recently amended Shoreland Zoning Ordinance and has made several recommendations for the next round of revisions. Those will be passed to the Planning Board.

Appeals Board Update – Stu reported the Board of Appeals has partially upheld and partially overturned the Planning Board decision regarding a gravel permit expansion

from Doug Gott & Sons. He said the Appeals Board meets on Tuesday night to finalize the decision and to act on a request from the Board chair to change his vote on one item.

Fenway Park Brick – Stu reported that citizen Arnelle Meyer stopped by and asked if she could set up a collection jar to raise money to buy a commemorative brick at Fenway Park in the name of the Town of Lamoine. Selectmen had no objection.

Next Meetings – The next meeting will be a workshop with the Planning Board and Code Enforcement Officer on May 16, 2011. That will serve as the regular board meeting with no meeting on the 19th. Selectmen will also review the proposed meeting date on August 18th.

Executive Session - Jo moved to go into executive session pursuant to 1MRSA §405(6)(a) for the purposes of a job performance review. Bill 2nd. **Vote in favor was 3-0 at 7:45 PM. Out at 8:13 PM.**

There being no further business, the meeting adjourned at 8:13 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst.